

REMARKS

In the Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1-2 and 4-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Wolfer et al. (U.S. Pat. No. 5,566,771).

By the present invention, and as defined in the claims, a hammer-piston is axially movable in a hammer-piston chamber through a driving device. The hammer-piston in operation acts with a hammer-end against an upper end of a drill bit positioned inside a chuck.

With reference to the Wolfer patent, as shown in Figure 6, the piston 9 acts against an upper surface of bearing 88. Further downward movement of the piston 9 is thereby blocked. The piston cannot move past the position shown in Figure 6. Therefore, the claimed requirement of the "hammer-piston in operation acting with a hammer-end against an upper end of a drill bit positioned inside a chuck" cannot be met.

The Wolfer patent is concerned with self-lubrication in a down-the-hole drill. There is no support in the Wolfer patent for the position taken by the Examiner in view of the particular claim language. The Wolfer patent, as illustrated in Figure 6, is contrary to the disclosure and claims of the present invention.

The lack of antecedent basis made in the Office Action, has been addressed by the incorporation of the claim language into the specification.

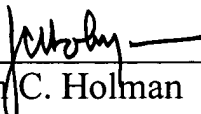
Accordingly, it is respectfully submitted that the captioned application is in condition for allowance.

Based on the foregoing amendments and remarks, it is respectfully submitted that the present application should now be in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, she is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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